IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/835,987	§	Examiner: Ismail, Shawki Saif
Filed: April 16, 2001	§	Group/Art Unit: 2155
Inventor(s):	§	Atty. Dkt. No: 5150-50200
Keith E. Winkeler and Paul F.	§	
Austin	§	

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Title: Network System Including
          Data Socket Components
          for Accessing Internet
          Semaphores

REQUEST FOR PRE-APPEAL BRIEF REVIEW

ATTN: BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below.

Applicant is in receipt of the Advisory Action mailed August 18, 2005. Claims 1-16, 19-23, and 29-59 remain pending in the present case. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

Claims 1-16, 19-23, and 29-59 were rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al., (U.S. Patent No. 6,745,274, "Snyder") in view of AAPA and further in view of Inohara et al., (U.S. Patent No. 6,377,952, "Inohara"). Applicant respectfully traverses the rejections.

The Examiner admits that Snyder fails to teach "receiving a uniform resource locator (URL) which specifies a location of the semaphore, wherein URL is received in response to user input; the first software component connecting to the computer memory using the location information; the first software component accessing the data comprised in the semaphore; and the first software component converting the data into a format useable by the first application after the first software component connects to the computer memory and receives the data", but asserts that "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of AAPA and Snyder to incorporate a URL to specify the location of the semaphore because using a URL universalizes access to the location of the object." Applicant submits that the combination is improper, and that even were the combination of Snyder and AAPA proper, which Applicant argues it is not, the alleged combination would still not produce Applicant's invention as claimed. For example, the cited portion of AAPA reads:

> When a program executing on a computer system is required to access data, such as from a semaphore, the program is often required to account for the source or location of the data, opening and closing of files, the format of the data, and conversion of the data to readable formats, among others.

Nowhere does the AAPA citation (nor the AAPA in its entirety, nor Snyder) teach or suggest, mention, or even hint at, using a URL to specify the location of the semaphore. Applicant also notes that the only motivation to combine suggested by the Examiner is that "the URL makes it easier to access the location because you can access it from anywhere." Applicant respectfully submits that the Examiner has simply cited an improved result of the alleged combination without any initial suggestion in the prior art to make such a combination. In other words, the Examiner has used Applicant's claim 1 as a blueprint for constructing Applicant's invention, citing a beneficial result as the only motivation to combine the references. More importantly, none of the references used in the alleged combination mention or even hint at this feature. Thus, Applicant submits that the Examiner's attempted combination is improper.

The Examiner also admits that Snyder fails to teach "where the first software component after accessing the data comprised in the semaphore, converting the data into a format useable by the first application [sic]", but asserts that Inohara teaches "the invention related to a file format conversion method suitable for a plurality of computers to exchange over the World Wide Web information have a plurality of file formats", citing Inohara's Abstract, col. 1, lines 8-17, which reads:

> In order to perform **format conversion between the formats of a plurality of files** without any work by a user, a file system stores a relation **between a conversion originating file and a conversion destination file**, and synchronously with an issue of a file operation API, the format conversion processes are executed. A user performs only the tasks essential for an application, without taking into consideration various necessary

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format conversions (either one-step or multi-step). During the user task, it is not necessary to designate a conversion originating file and a timing of format conversion. A user can use always a latest conversion destination file. (*emphasis added*)

Applicant notes that Inohara is directed to file formats, and conversion of files between such formats, whereas this feature of claim 1 relates to accessing and converting data from or in the semaphore, which is quite distinct from Inohara's file format conversions. Applicant thus submits that Inohara actually teaches away from Applicant's invention as represented in claim 1.

Additionally, Applicant notes that Snyder's semaphore data (unique identifier and unlock value) are stored in a hardware register 156, which is comprised in an interconnect component 108, whereas in Applicant's invention as represented in claim 1, "the semaphore is stored in a computer memory", i.e., random access memory (RAM) of a computer. Applicant notes that nowhere does the present Applicant mention registers at all, and that the use of general computer memory instead of hardware registers is of significant benefit, since special hardware (specifically, hardware registers) is not required. Applicant thus respectfully submits that Snyder also fails to teach this novel feature of claim 1.

The Examiner further asserts that Snyder teaches that a "semaphore is operable to store data of any of a plurality of different data types". Applicant respectfully submits that the Examiner has mischaracterized Snyder. For example, the Examiner asserts that Snyder's semaphore register 156 is operable to store a device's unique identifier (the semaphore owner's ID) as well as the (unlock) value 0x7F, and that these data are of different formats, which the Examiner equates to being of different data types. Applicant respectfully disagrees.

First, as argued previously, Applicant submits that Snyder is silent as to data type regarding the unique identifier and the unlock value (0x7F), and that the Examiner has engaged in improper speculation as to the nature of the data stored in Snyder's semaphore register. Moreover, the Examiner's assertion that the unlock value and the unique identifiers have different formats is also unfounded, as Snyder is also silent on this issue. Applicant respectfully submits that Snyder's unlock value 0x7F is simply a sentinel value of the semaphore, that the unique identifier referred to in Snyder is also simply a value, and that Snyder in no way indicates that these data are of different data types. In fact, Applicant notes that Snyder's col. 4, line 63 – col. 5, line 6, reads:

> The transaction that contains these requests can contain the following fields: CSR_address 128; CSR_write_data 130; and update_register 132. The CSR_address field 128 represents the address of the semaphore registers 156, 158. The previous and current semaphore registers 156, 158 have the same memory address which is denoted as semaphore_reg_address 134. The CSR_write_data field 130 contains the data that will be

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written into the current semaphore register 156 which is either the unlock value, 0x7F, or the unique identifier of the device requesting access to the semaphore...

Thus, Snyder actually indicates that the unlock value and the unique identifier are of the same data type, since each is stored in the same data field, specifically, the CSR write data field, which presumably has a single data type. Applicant respectfully submits that the Examiner has improperly equated different *data values* with different *data types*. Thus, Applicant submits that Snyder fails to teach "wherein the semaphore is operable to store data of any of a plurality of different data types".

Applicant respectfully submits that neither Snyder nor Inohara (nor AAPA) provides a motivation to combine. For example, nowhere does Snyder suggest or hint at the desirability of data format conversion of data read from Snyder's semaphore register, and in fact, as noted above, Snyder is silent as to differences in formatting between the unique identifier and unlock value. Additionally, Inohara fails to suggest or hint at the desirability of accessing semaphores over a network, and in fact, fails to mention semaphores at all. Thus, Applicant submits that the attempted combination of Snyder and Inohara is improper. Moreover, Applicant further submits that even were Snyder and Inohara (and AAPA) properly combinable, which Applicant argues they are not, the alleged combination would still not produce Applicant's invention as claimed, as argued in detail above.

Thus, for at least the reasons provided above, Applicant submits that Snyder, AAPA, and Inohara, taken singly or in combination, fail to teach all the features and limitations of claim 1, and so claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art.

As argued in the previous Response, which is hereby incorporated by reference in its entirety, claims 19, 29, 35, 42, 45, and 55 (where claims 35, 42, 45, and 55 are the corrected claim numbers) include various of the novel limitations of claim 1, and so, in addition to the arguments provided in the previous Response, the above respective arguments directed to these limitations apply with equal force to these claims. Thus, for at least the reasons provided above (and previously), Applicant respectfully submits that claims 19, 29, 35, 42, 45, and 55, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art.

Thus, Applicant respectfully submits that the independent claims, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Removal of the 103 rejection of claims 1-16, 19-23, and 29-59 is respectfully requested.

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-50200/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard
☒ Notice of Appeal

Respectfully submitted,

Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Date: _9/2/2005_ JCH/MSW

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